

THIRTY-SEVENTH DAY

TUESDAY, MARCH 22, 2005

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Lucio, Williams.

The President announced that a quorum of the Senate was present.

The Reverend Dr. Michael L. Mynatt, Norwood Heights Baptist Church, Palestine, offered the invocation as follows:

God, we come in the name of Jesus praising You for this day. We thank You for life and the call that You have given us to serve You. Today, I come thanking You for the individuals who are faithfully serving You in the State of Texas. I pray that You will be with them as they have many decisions to make and important issues to discuss. I pray that You will guide and direct them for the betterment of the state. I pray that each will seek You and what You would guide them to do they would be open to. I praise You for their willingness to make sacrifices and serve in the capacities that each has responsibility for. God, You are good and I pray for Your blessing once again on this day. It is in the name of Jesus we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Lucio was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Williams was granted leave of absence for today on account of a death in the family.

CO-AUTHOR OF SENATE BILL 15

On motion of Senator Janek, Senator Nelson will be shown as Co-author of **SB 15**.

CO-AUTHOR OF SENATE BILL 99

On motion of Senator Ellis, Senator Carona will be shown as Co-author of **SB 99**.

CO-AUTHOR OF SENATE BILL 131

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 131**.

CO-AUTHOR OF SENATE BILL 268

On motion of Senator Madla, Senator Hinojosa will be shown as Co-author of **SB 268**.

CO-AUTHOR OF SENATE BILL 310

On motion of Senator Deuell, Senator West will be shown as Co-author of **SB 310**.

CO-AUTHOR OF SENATE BILL 368

On motion of Senator Duncan, Senator Ellis will be shown as Co-author of **SB 368**.

CO-AUTHOR OF SENATE BILL 531

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 531**.

CO-AUTHOR OF SENATE BILL 1048

On motion of Senator Eltife, Senator Staples will be shown as Co-author of **SB 1048**.

CO-AUTHOR OF SENATE BILL 1183

On motion of Senator West, Senator Zaffirini will be shown as Co-author of **SB 1183**.

CO-AUTHOR OF SENATE BILL 1191

On motion of Senator Wentworth, Senator Whitmire will be shown as Co-author of **SB 1191**.

CO-AUTHOR OF SENATE BILL 1212

On motion of Senator West, Senator Van de Putte will be shown as Co-author of **SB 1212**.

CO-AUTHOR OF SENATE BILL 1218

On motion of Senator Ellis, Senator Gallegos will be shown as Co-author of **SB 1218**.

CO-AUTHOR OF SENATE BILL 1263

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1263**.

CO-AUTHOR OF SENATE BILL 1381

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 1381**.

CO-AUTHOR OF SENATE BILL 1413

On motion of Senator Shapleigh, Senator Ellis will be shown as Co-author of **SB 1413**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 112

On motion of Senator Van de Putte and by unanimous consent, Senator Hinojosa will be shown as Co-sponsor of **HCR 112**.

GUESTS PRESENTED

The President introduced to the Senate former Lieutenant Governors Ben Barnes and William "Bill" Hobby.

The Senate welcomed its guests.

SENATE RESOLUTION 400

Senator Barrientos offered the following resolution:

SR 400, In memory of Margaret Wentworth Behrens of Austin.

The resolution was read.

Senator Barrientos was recognized and introduced to the Senate family members of Margaret Wentworth Behrens: her nephew, George Eiband, and his wife, Cecilia; her niece, Candace Clancy, and her husband, Edward; and friends, former Lieutenant Governors Ben Barnes and William "Bill" Hobby.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ellis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos, **SR 400** was adopted by a rising vote of the Senate.

In honor of the memory of Margaret Wentworth Behrens, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Seliger, joined by Senator Duncan, was recognized and introduced to the Senate United States Congressman Mike Conaway of Midland and his wife, Suzanne.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
March 22, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 268, Relating to the qualifications and appointment of counsel for indigent defendants in capital cases.

HB 318, Relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed to carry a concealed handgun.

HB 535, Relating to the offense of using a sound amplification device near a polling place.

HB 708, Relating to the issuance of permits by the School Land Board authorizing continued use of certain structures on coastal public land.

HB 839, Relating to the disposition of certain obscene material and child pornography.

HB 840, Relating to the forfeiture of contraband used to facilitate or intended to be used to facilitate the commission of certain criminal offenses.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Paul A. Berg of Georgetown as the Physician of the Day.

The Senate welcomed Dr. Berg and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUEST PRESENTED

Senator Shapiro was recognized and introduced to the Senate Miss Texas 2004 Jamie Story.

The Senate welcomed its guest.

SENATE RESOLUTION 441

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of the Town of Sunnyvale in celebrating March 22, 2005, as Sunnyvale Day at the Capitol; and

WHEREAS, Located 15 miles east of downtown Dallas, Sunnyvale is situated on 10,384 acres of rolling plains and offers the amenities of city life and the charm of country life; and

WHEREAS, The town is bordered on the north and west by the suburbs of Mesquite and Garland, where fine restaurants, shops, and entertainment establishments abound; it also borders the sprawling, pastoral land of Kaufman County and the serene waters of Lake Ray Hubbard; and

WHEREAS, Lake Ray Hubbard, a 22,745-acre reservoir, forms a natural boundary to the east, and recreational activities on the lake include sailing and bass fishing; recreational facilities in the town include parks, tennis courts, and a hike and bike trail; and

WHEREAS, Sunnyvale's population of 3,520 is increasing as new residential developments are completed; the town's bustling economy and low tax rate is sure to attract businesses and encourage investment opportunities in the future; and

WHEREAS, The Town of Sunnyvale is a vital community and its residents look forward to a bright future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the citizens of the Town of Sunnyvale for their contributions to our state and extend to them best wishes for an enjoyable Sunnyvale Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of the Town of Sunnyvale as a memento of this occasion.

SR 441 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate representatives of the Town of Sunnyvale: Mayor Jim Phaup; Bill Whitehurst, President, 4A Corporation; Seth Adams, Superintendent, Sunnyvale Independent School District; Cindy Klein, Mayor Pro Tempore; and Linda Gooch, Trustee, Sunnyvale Independent School District; accompanied by a delegation of citizens.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a group of girl scouts representing Girl Scouts of America.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a delegation of citizens representing Leadership Temple and Leadership Belton.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a delegation of citizens representing the Deer Park Chamber of Commerce.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Lindsay submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Teacher Retirement System of Texas Board of Trustees: John Graham, Jr., Gillespie County; John "Mark" Henry, Harris County; Dory A. Wiley, Dallas County.

Commissioner, Texas Animal Health Commission: Rita Esther Baca, El Paso County.

Members, Credit Union Commission: Thomas Felton Butler, Harris County; Mary Ann Grant, Harris County; Gary Lynn Janacek, Bell County; Barbara K. Sheffield, Fort Bend County; Henry E. "Pete" Snow, Bowie County.

Members, Upper Guadalupe River Authority Board of Directors: Stan R. Kubenka, Kerr County; Jaime Quintanilla, M.D., Kerr County; Walter Schellhase, Kerr County.

Members, Guadalupe-Blanco River Authority Board of Directors: Margaret M. "Meg" Grier, Kendall County; Clifton L. Thomas, Jr., Victoria County.

Members, Department of Information Resources Governing Board: Phillip "Keith" Morrow, Tarrant County; William Michael "Bill" Wachel, Dallas County.

Members, Texas Board of Professional Land Surveying: Kelley Sue Neumann, Bexar County; Stephen Titus "Ty" Runyan, Travis County; William C. Wilson, Jr., Tom Green County.

Member, Texas Commission of Licensing and Regulation: LuAnn Roberts Morgan, Midland County.

Member, Upper Neches River Municipal Water Authority Board of Directors: Jesse D. Hickman, Anderson County.

Members, Texas Board of Physical Therapy Examiners: Manoranjan Mahadeva, Montgomery County; Joseph J. Spano, Wharton County.

Members, Texas Real Estate Commission: Mary Frances Burlison, Denton County; William H. Flores, Fort Bend County; Elizabeth Leal, El Paso County.

Members, Sabine River Authority Board of Directors: Connie Wade, Gregg County; Constance M. "Connie" Ware, Harrison County.

Members, Sulphur River Basin Authority Board of Directors: Mike Kennedy, Bowie County; Mickey McKenzie, Hopkins County; Mike E. Russell, Lamar County; Jim F. Thompson, Cass County.

Members, Board of Tax Professional Examiners: James E. "Jim" Childers, Randall County; Linda Ann Lowes Hatchel, McLennan County.

Members, Texas Private Security Board: Stella Caldera, Harris County; Howard H. Johnsen, Dallas County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Lindsay gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RULE 8.02 SUSPENDED (Referral to Committee)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 8.02, as it relates to referral of resolutions setting state policy, was suspended for **HCR 112**.

HOUSE CONCURRENT RESOLUTION 112

The President laid before the Senate the following resolution:

HCR 112, Awarding the Texas Legislative Medal of Honor to Captain Robert Thomas Edlin of Corpus Christi and requesting the governor to confer the award.

VAN DE PUTTE
HINOJOSA

The resolution was read.

On motion of Senator Van de Putte and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

CONCLUSION OF MORNING CALL

The President at 11:57 a.m. announced the conclusion of morning call.

SENATE BILL 241 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 241** at this time on its second reading:

SB 241, Relating to the creation of an appellate judicial system for the Third Court of Appeals District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio, Williams.

SENATE BILL 152 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 152** at this time on its second reading:

SB 152, Relating to prevention of and education concerning bullying in public schools.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Eltife.

Absent-excused: Lucio, Williams.

SENATE BILL 152 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 152** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Zaffirini.

Nays: Eltife, Wentworth.

Absent-excused: Lucio, Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 152**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 152** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Eltife.

Absent-excused: Lucio, Williams.

Reason for Vote

Senator Eltife submitted the following reason for vote on **SB 152**:

I cast a "No" vote on **SB 152** because I view this legislation as an unfunded mandate on school districts, ill-advised at a time when we are trying to address school finance and provide adequate funding for the current programs mandated by the state.

ELTIFE

SENATE BILL 293 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 293** at this time on its second reading:

SB 293, Relating to meetings between representatives of the Department of Public Safety of the State of Texas and Mexican states on transportation and truck inspection issues.

The bill was read second time.

(Senator Hinojosa in Chair)

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 293**, on page 1, line 28, by striking subsection (d) and renumbering subsequent subsection accordingly.

The amendment to **SB 293** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Lucio, Williams.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 293 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio, Williams.

(President in Chair)

SENATE BILL 293 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Lucio, Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 293**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 293** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Lucio, Williams.

SENATE BILL 569 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 569** at this time on its second reading:

SB 569, Relating to meetings between representatives of the Texas Department of Transportation and Mexican states on transportation and truck inspection issues.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 569**, on page 1, line 33, by striking subsection (d) and renumbering subsequent subsection accordingly.

The amendment to **SB 569** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Lucio, Williams.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 569 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes.

Absent-excused: Lucio, Williams.

SENATE BILL 569 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 569** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Zaffirini.

Nays: Estes, Wentworth.

Absent-excused: Lucio, Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 569**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 569** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Estes.

Absent-excused: Lucio, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 81 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 81** at this time on its second reading:

CSSB 81, Relating to a joint partnership between the Texas Tech University Health Sciences Center and The University of Texas at El Paso.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 81 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 81** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Lucio, Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 81**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 81** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Lucio, Williams.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Madla and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SJR 14** today.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Madla and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Emerging Technologies and Economic Development might meet and consider **SB 150** today.

SENATE BILL 503 REREFERRED

Senator West submitted a Motion In Writing requesting that **SB 503** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

SENATE BILL 504 REREFERRED

Senator West submitted a Motion In Writing requesting that **SB 504** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

SENATE BILL 505 REREFERRED

Senator West submitted a Motion In Writing requesting that **SB 505** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet and consider the following bills today: **SB 114**, **SB 528**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:30 p.m. agreed to adjourn, in memory of Margaret Wentworth Behrens of Austin, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

(Senator Armbrister in Chair)

SENATE BILLS ON FIRST READING

The following bills, filed on or before March 11, 2005, were introduced, read first time, and referred to the committees indicated:

SB 1232 by Fraser

Relating to certain powers of river authorities engaged in the distribution and sale of electric energy to the public, including the Lower Colorado River Authority.
To Committee on Natural Resources.

SB 1312 by Gallegos

Relating to the creation of a state occupational health and safety plan; establishing a maintenance tax.
To Committee on State Affairs.

SB 1313 by Gallegos

Relating to safety hotline posting requirements of employers in English and Spanish.
To Committee on State Affairs.

SB 1314 by Gallegos

Relating to identifying hazardous employers.
To Committee on State Affairs.

SB 1315 by Gallegos

Relating to safety hotline posting requirements for employers.
To Committee on State Affairs.

SB 1316 by Gallegos

Relating to providing educational materials to employees regarding workplace safety and retaliation by employers.
To Committee on State Affairs.

SB 1358 by West

Relating to the creation of a public redevelopment agency by certain municipalities; granting the power to allocate ad valorem tax revenue, the authority to issue bonds, and the power of eminent domain.
To Committee on Intergovernmental Relations.

SB 1405 by Armbrister

Relating to funding advanced in connection with a lawsuit that is at a rate above the usurious interest prohibition.
To Committee on Business and Commerce.

SB 1501 by West

Relating to the imposition of a fee for a currency transmission sent to a destination outside the United States.

To Committee on Finance.

SB 1502 by West

Relating to improvements in and assessments of the status of higher education in this state and to the coordination of public institutions of higher education in this state.

To Subcommittee on Higher Education.

SB 1503 by West

Relating to the creation of the Institute on Race, Crime, and Justice at the University of North Texas at Dallas to examine and provide training regarding racial profiling by law enforcement and participation by members of certain underrepresented racial or ethnic groups in law enforcement.

To Subcommittee on Higher Education.

SB 1504 by Armbrister

Relating to the possession of white-tailed deer or mule deer for the purpose of sale, purchase, transfer, propagation or liberation under terms of a permit; providing a penalty.

To Committee on Natural Resources.

SB 1505 by Armbrister

Relating to the transfer of an ad valorem tax lien and to a contract for foreclosure of an ad valorem tax lien.

To Committee on Intergovernmental Relations.

SB 1506 by Armbrister

Relating to default service for residential customers of an Affiliated Retail Electric Provider

To Committee on Business and Commerce.

SB 1507 by Hinojosa

Relating to the sentencing procedure in capital felony cases.

To Committee on Criminal Justice.

SB 1508 by Hinojosa

Relating to a subpoena issued to obtain information relating to certain attorney-client relationships.

To Committee on Criminal Justice.

SB 1509 by Averitt

Relating to the election of emergency services districts boards.

To Committee on State Affairs.

SB 1510 by Averitt

Relating to the liability of a nonprofit management contractor of certain hospital authorities.

To Committee on State Affairs.

SB 1512 by Averitt

Relating to the use and management of surface water resources.
To Committee on Natural Resources.

SB 1513 by Averitt

Relating to the creation, powers, and duties of the health insurance division of the Texas Department of Insurance.
To Committee on State Affairs.

SB 1514 by Averitt

Relating to the administration by the Texas Water Development Board of certain water-related programs financed by federal funds.
To Committee on Natural Resources.

SB 1515 by Deuell

Relating to the implementation of the Texas Integrated Eligibility and Redesign System.
To Committee on Health and Human Services.

SB 1516 by Deuell

Relating to the adequacy of health maintenance organization health care delivery networks and availability of preferred provider benefits; providing penalties.
To Committee on State Affairs.

SB 1517 by Deuell

Relating to qualifications of physicians who perform certain utilization review duties for a health benefit plan.
To Committee on State Affairs.

SB 1518 by Deuell

Relating to validation of the creation of and certain acts taken by the Rockwall County Public Safety and Fire Assistance District.
To Committee on Intergovernmental Relations.

SB 1519 by Deuell

Relating to the development of a regional water supply reservoir project at a site known as Lower Bois d'Arc Creek in Fannin County.
To Committee on Natural Resources.

SB 1520 by Deuell

Relating to prescription drug insurance benefits provided through or by the Employees Retirement System of Texas or the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 1521 by Deuell

Relating to the authority of a pharmacist to dispense a Schedule II controlled substance pursuant to a facsimile copy of an official prescription.
To Committee on Health and Human Services.

SB 1522 by Van de Putte

Relating to the creation, funding and administration of the Texas Veterans Trust Fund.
To Committee on Veteran Affairs and Military Installations.

SB 1523 by Zaffirini

Relating to air pollutant emissions from electric generating facilities; providing for an administrative penalty.

To Committee on Natural Resources.

SB 1524 by Zaffirini

Relating to fees charged for a vital statistics record.

To Committee on Health and Human Services.

SB 1525 by Zaffirini

Relating to safe patient handling and movement practices of nurses in hospitals and nursing homes.

To Committee on Health and Human Services.

SB 1526 by Zaffirini

Relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at San Antonio.

To Committee on Finance.

SB 1527 by Zaffirini

Relating to authorizing the issuance of revenue bonds for Texas A&M International University.

To Committee on Finance.

SB 1528 by Zaffirini

Relating to the payment of tuition and fees at public institutions of higher education and the determination of Texas residency for that purpose.

To Subcommittee on Higher Education.

SB 1529 by Zaffirini

Relating to policies and measures to promote timely graduation of students from public institutions of higher education.

To Subcommittee on Higher Education.

SB 1531 by Averitt

Relating to requiring a contractor or subcontractor to provide health insurance to its employees to participate in certain state contracts.

To Committee on State Affairs.

SB 1533 by Barrientos

Relating to state employees parking in state-owned garages.

To Committee on Government Organization.

SB 1534 by Armbrister

Relating to the appointment of a bailiff for the 22nd District Court.

To Committee on Jurisprudence.

SB 1535 by Armbrister

Relating to contracts between hospitals and preferred provider benefit plan issuers.

To Committee on State Affairs.

SB 1536 by Armbrister

Relating to prescription drug benefits under certain health benefit plans.
To Committee on State Affairs.

SB 1537 by Armbrister

Relating to the administration, powers, duties, and operations of the Harris-Galveston Coastal Subsidence District and the Fort Bend Subsidence District.
To Subcommittee on Agriculture and Coastal Resources.

SB 1538 by Barrientos, Shapleigh

Relating to the creation of the individual development account program to provide savings incentives and opportunities to eligible low-income working individuals.
To Committee on Finance.

SB 1539 by Barrientos

Relating to the application of the municipal civil service law for firefighters and police officers to certain municipalities.
To Committee on Intergovernmental Relations.

SB 1540 by Barrientos

Relating to the authority of the Texas Commission on Environmental Quality to issue a permit for land application of treated wastewater in certain situations.
To Committee on Natural Resources.

SB 1541 by Armbrister

Relating to an analysis by the state auditor of the cost-effectiveness of the use of call centers for determining eligibility for health and human services programs.
To Committee on Health and Human Services.

SB 1542 by Armbrister

Relating to certain permitting procedures of the Texas Commission on Environmental Quality.
To Committee on Natural Resources.

SB 1543 by Barrientos

Relating to the applicability of across-the-board salary increases to employees of institutions of higher education.
To Committee on Finance.

SB 1544 by West

Relating to purchasing practices of public junior college and community college districts.
To Subcommittee on Higher Education.

SB 1545 by Barrientos

Relating to the composition of the board of trustees of the Employees Retirement System of Texas.
To Committee on State Affairs.

SB 1546 by Barrientos

Relating to the admission of students to general academic teaching institutions.
To Subcommittee on Higher Education.

SB 1547 by Duncan

Relating to the Department of Information Resources' management of state electronic and telecommunications services.

To Committee on Government Organization.

SB 1548 by Van de Putte

Relating to hydrogen-fueled vehicles and refueling stations.

To Committee on Transportation and Homeland Security.

SB 1549 by Van de Putte

Relating to the seizure of property by law enforcement and to the treatment of that property in a criminal proceeding.

To Committee on Criminal Justice.

SB 1550 by Van de Putte

Relating to licensing of attorneys.

To Committee on Jurisprudence.

SB 1551 by Estes

Relating to the continuation of certain statutes authorizing the interception of certain communications for law enforcement purposes.

To Committee on Criminal Justice.

SB 1552 by Estes

Relating to the continuation of criminal offenses involving the interception of certain communications for law enforcement purposes.

To Committee on Criminal Justice.

SB 1553 by Ellis

Relating to the creation of a program for alternative funding of Toward EXcellence, Access, & Success (TEXAS) grants.

To Subcommittee on Higher Education.

SB 1554 by Ellis

Relating to a limitation on increases in the total amount of tuition charged by public institutions of higher education.

To Subcommittee on Higher Education.

SB 1555 by Gallegos

Relating to taxes, assessments, and impact fees imposed on residential property by the Greater East End Management District.

To Committee on Intergovernmental Relations.

SB 1556 by Gallegos

Relating to the authority of a port authority, a navigation district, or certain other persons to use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for port security purposes.

To Committee on Transportation and Homeland Security.

SB 1557 by Gallegos

Relating to the licensing and regulation of journeyman and apprentice sheet metal workers.

To Committee on Business and Commerce.

SB 1558 by Lucio

Relating to the applicability of certain insurance laws to Lloyd's plans and reciprocal and interinsurance exchanges.

To Committee on Business and Commerce.

SB 1559 by Lucio

Relating to prohibiting rebates regarding certain insurance coverage.

To Committee on Business and Commerce.

SB 1560 by Lucio

Relating to the funding of coastal erosion response activities and the coastal management program.

To Subcommittee on Agriculture and Coastal Resources.

SB 1561 by Lucio

Relating to requirements imposed under the vehicle fleet management plan.

To Committee on Government Organization.

SB 1562 by Ellis

Relating to removal of corneal tissue from a decedent; providing penalties.

To Committee on Health and Human Services.

SB 1563 by Estes

Relating to uniform law on negotiable instruments and bank deposits and collections.

To Committee on Business and Commerce.

SB 1564 by Janek

Relating to the repeal of the requirement for a surety bond for licensure of surplus lines insurance agents.

To Committee on Business and Commerce.

SB 1565 by Janek

Relating to the collection, retention, and reporting of law enforcement data relating to traffic and pedestrian stops.

To Committee on Criminal Justice.

SB 1566 by Duncan

Relating to supervision of a primary election by the county executive committee.

To Committee on State Affairs.

SB 1567 by Williams

Relating to the amount of longevity and hazardous duty pay for certain state employees.

To Committee on Finance.

SB 1568 by Williams

Relating to membership in the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 1570 by Williams

Relating to the rate of interest on certain tax refunds.
To Committee on Finance.

SB 1571 by Williams

Relating to the exception from the hotel occupancy tax for a permanent resident.
To Committee on Finance.

SB 1572 by Williams

Relating to certain health coverage under the Texas Employees Group Benefits Act.
To Committee on State Affairs.

SB 1573 by Williams

Relating to the state employee incentive program, including abolishing the Texas Incentive and Productivity Commission.
To Committee on Government Organization.

SB 1574 by Williams

Relating to the benefits and compensation of retired state employees who return to state employment.
To Committee on State Affairs.

SB 1575 by Williams

Relating to the elimination of certain reports to or prepared by the Legislative Budget Board.
To Committee on Government Organization.

SB 1576 by Williams

Relating to the criminal penalty for providing false information to outside auditors.
To Committee on Criminal Justice.

SB 1577 by Williams

Relating to coercing a woman to have an abortion and parental notification of abortion; creating offenses.
To Committee on State Affairs.

SB 1578 by Duncan

Relating to jurisdiction and venue in condemnation proceedings.
To Committee on Jurisprudence.

SB 1579 by Zaffirini

Relating to the prohibition of signs on certain roads.
To Committee on Intergovernmental Relations.

SB 1580 by Zaffirini

Relating to the regulation of providers of wheeled mobility systems.
To Committee on Business and Commerce.

SB 1581 by Zaffirini

Relating to the creation of a state pharmacy assistance program for certain beneficiaries of state and local funded programs.
To Committee on Health and Human Services.

SB 1582 by Zaffirini

Relating to the detention of persons for mental health purposes.
To Committee on Criminal Justice.

SB 1583 by Zaffirini

Relating to notification of immunization requirements applicable to public school students.
To Committee on Education.

SB 1584 by Carona

Relating to the regulation of certain rehabilitation services for injured employees in the workers' compensation system.
To Committee on State Affairs.

SB 1585 by Carona

Relating to the regulation of nonstandard rates for personal lines automobile insurance.
To Committee on Business and Commerce.

SB 1586 by Carona

Relating to a waiver of requirements for community-based assisted living services for certain elderly residents.
To Committee on Health and Human Services.

SB 1587 by Carona

Relating to certain foreclosure notice requirements.
To Committee on Intergovernmental Relations.

SB 1588 by Carona

Relating to limited regulation for new or emerging technologies provided by certain telecommunications providers.
To Committee on Business and Commerce.

SB 1589 by Carona

Relating to fraudulent documents offered to the county clerk for filing.
To Committee on Intergovernmental Relations.

SB 1590 by Carona

Relating to use of electronically readable information from a driver's license or personal identification certificate by a commercial business.
To Committee on Business and Commerce.

SB 1591 by Carona

Relating to accountant practice requirements for certain audits of insurer financial reports.
To Committee on Business and Commerce.

SB 1592 by Carona

Relating to special deposits required of certain insurers.
To Committee on Business and Commerce.

SB 1593 by Carona

Relating to uniform law on documents of title.
To Committee on Business and Commerce.

SB 1594 by Lucio

Relating to a small contractor assistance program for bidding on construction contracts at institutions of higher education.
To Subcommittee on Higher Education.

SB 1595 by Lucio

Relating to private activity bonds.
To Committee on Finance.

SB 1596 by Estes, Madla

Relating to activities of a winery.
To Committee on Intergovernmental Relations.

SB 1597 by Madla

Relating to the appointment of county court magistrates.
To Committee on Jurisprudence.

SB 1598 by Madla

Relating to the employment of physicians by certain countywide hospital districts.
To Committee on Health and Human Services.

SB 1600 by Whitmire

Relating to criminal law hearing officers in Harris County.
To Committee on Criminal Justice.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 2 to Committee on Education.

HB 3 to Committee on Finance.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 446 by Gallegos, In memory of Esther Miles of Galena Park.

SR 453 by Van de Putte, In memory of Kathleen S. Kagen-Hallet of Boerne.

SR 454 by Van de Putte, In memory of Catarino Ruiz Arevalo of San Antonio.

Congratulatory Resolutions

SR 442 by Ellis, Recognizing Love-Joy Glory Church of Houston on the occasion of its Easter celebration.

SR 445 by Gallegos, Recognizing Augustine Diaz Rodriguez on the occasion of his retirement.

Official Designation Resolutions

SR 448 by Hinojosa and Lucio, Recognizing the week of March 13 through 19, 2005, as National Child and Adult Care Food Program Week.

SR 449 by Janek, Recognizing April as Parkinson's Disease Awareness Month in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:47 p.m. adjourned, in memory of Margaret Wentworth Behrens of Austin, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 22, 2005

INTERNATIONAL RELATIONS AND TRADE — **CSSB 183, CSSB 185, CSSB 229**

STATE AFFAIRS — **SB 766, SB 554**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 580, SB 776**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 125, CSSB 176**

In Memory
of
Margaret Wentworth Behrens
Senate Resolution 400

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in honoring and commemorating the life of Margaret Wentworth Behrens, who died March 6, 2005; and

WHEREAS, Margaret will be remembered for the many important contributions she made to the State of Texas while serving as valued assistant and office manager to elected officials, whose prominent positions included speaker of the house, lieutenant governor, United States senator, and governor; and

WHEREAS, Born in Utopia to John W. Wentworth and Christine Haby Wentworth, Margaret attended Uvalde High School, where she graduated as valedictorian in 1937; and

WHEREAS, Margaret joined the staff of Texas Attorney General Price Daniel in 1949 and accompanied him to Washington, D.C., on his election as a United States senator; when he was elected governor, she returned to Texas and managed his office for six years; and

WHEREAS, State Senator Martin Dies, Jr., Judge Tom Reavley, and Commissioner Sherman Birdwell of the Texas Employment Commission also benefited from her expertise, judgment, and skills in the ensuing years; and

WHEREAS, Margaret joined the staff of Speaker of the House of Representatives Ben Barnes as first assistant and office manager and stayed with him when he served as lieutenant governor; she remained in that office when Bill Hobby became lieutenant governor and served with him for 14 years; and

WHEREAS, One of her proudest achievements was being named Secretary of the Year by the Tower Lights Chapter of the National Secretaries Association International; on her retirement, former and current government officials from around the state, along with many friends and colleagues, honored her with a reception in the Senate Chamber of the State Capitol; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby extend sincere condolences to the bereaved family of Margaret Wentworth Behrens: her sisters, Marie Heard and Alice Eiband; her nephew and his wife, George and Cecilia Eiband; and her niece and her husband, Candace and Edward Clancy; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of the Behrens family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Margaret Wentworth Behrens.

BARRIENTOS

